

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

ST. CLAIR COUNTY EMPLOYEES'  
RETIREMENT SYSTEM, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

ACADIA HEALTHCARE COMPANY, INC.,  
*et al.*,

Defendants.

CIVIL ACTION NO.: 3:18-cv-00988

Judge William L. Campbell, Jr.  
Magistrate Judge Alistair Newbern

**DECLARATION IN SUPPORT OF DEFENDANTS' OPPOSITION  
TO PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

I, Milton S. McGee, III, declare as follows:

1. I am over 18 years of age and am competent to testify as to the matters stated in this Declaration. I am a member of good standing of the Tennessee bar and am admitted to practice in this Court. I am a member at the law firm of Riley Warnock & Jacobson, PLC and counsel for Defendants Acadia Healthcare Company, Inc. ("Acadia"), Joey Jacobs, Brent Turner, and David Duckworth (collectively, "Defendants"). I hereby submit this Declaration in support of Defendants' opposition to Plaintiffs' motion for class certification. I have personal knowledge of the facts set forth within.

2. Attached as Exhibits 1 through 7 to this Declaration are true and correct copies of the following documents.

- **Exhibit 1:** Expert Report of Lucy P. Allen dated February 28, 2022.

- **Exhibit 2:** Excerpts from Acadia's Form 10-K for the fiscal year ended December 31, 2018.<sup>1</sup>
- **Exhibit 3:** Excerpts from the June 3, 2021 deposition of Plaintiffs' expert Scott Dalrymple.
- **Exhibit 4:** Email dated November 16, 2018 produced by Rice Hall James & Associates, LLC, investment advisor to lead plaintiff and proposed class representative New York Hotels Fund, Bates labeled RHJA0000073-4.
- **Exhibit 5:** Excerpts from the June 8, 2021 deposition of Catherine Wenskus, corporate representative of Plaintiff Chicago & Vicinity Laborers' District Counsel Pension Fund.
- **Exhibit 6:** Plaintiffs' Responses and Objections to Acadia's Second Set of Interrogatories.
- **Exhibit 7:** Excerpts from the June 29, 2021 deposition of Thao Buu-Hoan, corporate representative of Rice Hall James & Associates, LLC, investment advisor to lead plaintiff and proposed class representative New York Hotels Fund.

3. Pursuant to 26 U.S.C. § 1746, I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

Executed on March 1, 2022 in Nashville, Tennessee.

Respectfully submitted:

/s/ Milton S. McGee III

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<sup>1</sup> A complete version of Exhibit 2 is available upon request and accessible online at <https://www.sec.gov/edgar/browse/?CIK=1520697&owner=exclude>.

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 1st day of March, 2022, I electronically filed the following document and accompanying exhibits with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to the following:

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